

be required of any crewman aboard a Great Lakes vessel of United States registry or a tugboat of United States registry arriving from Canada at a port of the United States who has been examined and admitted by an immigration officer as a member of the crew of the same vessel or tugboat or of any other vessel or tugboat of the same company during the current calendar year.

(b) *Canadian or British vessels or tugboats.* An immigration examination shall not be required of any crewman aboard a Great Lakes vessel of Canadian or British registry or a tugboat of Canadian or British registry arriving from Canada at a port of the United States for a period of less than 29 days who has been examined and admitted by an immigration officer as a member of the crew of the same vessel or tugboat or of any other vessel or tugboat of the same company during the current calendar year, and is either a British or Canadian citizen or is in possession of a valid Form I-95 previously issued to him as a member of the crew of the same vessel or tugboat or of any other vessel or tugboat of the same company, and does not request or require landing privileges in the United States beyond the time the vessel or tugboat will be in port, and will depart with the vessel or tugboat to Canada.

[41 FR 24700, June 18, 1976]

§ 252.4 Permanent landing permit and identification card.

A Form I-184 is valid until revoked. It shall be revoked when an immigration officer finds that the crewman is in the United States in willful violation of the terms and conditions of his admission, or that he is inadmissible to the United States. On revocation, the Form I-184 shall be surrendered to an immigration officer. No appeal shall lie from the revocation of Form I-184.

[43 FR 37174, Aug. 22, 1978]

§ 252.5 Special procedures for deserters from Spanish or Greek ships of war.

(a) *General.* Under E.O. 11267 of January 19, 1966 (31 FR 807) and 28 CFR 0.109, and E.O. 11300 of August 17, 1966, (31 FR 11009), and 28 CFR 0.110, the Commis-

sioner and immigration officers (as defined in § 103.1(i) of this chapter) are designated as “competent national authorities” on the part of the United States within the meaning of Article XXIV of the 1903 Treaty of Friendship and General Relations between the United States and Spain (33 Stat. 2105, 2117), and “local authorities” and “competent officers” on the part of the United States within the meaning of Article XIII of the Convention between the United States and Greece (33 Stat. 2122, 2131).

(b) *Application for restoration.* On application of a Consul General, Consul, Vice-Consul, or Consular-Agent of the Spanish or Greek Government, made in writing pursuant to Article XXIV of the treaty, or Article XIII of the Convention, respectively, stipulating for the restoration of crewmen deserting, stating that the person named therein has deserted from a ship of war of that government, while in any port of the United States, and on proof by the exhibition of the register, crew list, or official documents of the vessel, or a copy or extract therefrom, duly certified, that the person named belonged, at the time of desertion, to the crew of such vessel, such person shall be taken into custody by any immigration officer without a warrant of arrest. Written notification of charges shall be served on the individual when he is taken into custody or as soon as practical thereafter.

(c) *Examination.* Within a reasonable period of time after the arrest, the individual shall be accorded an examination by the district director, acting district director, or the deputy district director having jurisdiction over the place of arrest. He shall be informed that he may have the assistance of or be represented by a counsel or representative of his choice qualified under part 292 of this chapter without expense to the Government, and that he may present such evidence in his behalf as may be relevant to this proceeding. If, upon the completion of such examination, it is determined that: (1) The individual sought by the Spanish or Greek authorities had deserted from a Spanish or Greek ship of war in a United States port; (2) the individual actually arrested and detained is the

person sought; (3) this individual is not a citizen of the United States; and (4) this individual had not previously been arrested for the same cause and set at liberty because he had been detained for more than 3 months, or more than 2 months in the case of a deserter from a Greek ship of war, from the day of his arrest without the Spanish or Greek authorities having found an opportunity to send him home, the individual shall be served with a copy of the findings, from which no appeal shall lie, and be surrendered forthwith to the Spanish or Greek authorities if they are prepared to remove him from the United States. On written request of the Spanish or Greek authorities, the individual shall be detained, at their expense, for a period not exceeding 3 months or 2 months, respectively, from the day of arrest to afford opportunity to arrange for his departure from the United States.

(d) *Timely departure not effected.* If the Spanish authorities delay in sending the individual home for more than 3 months, or if the Greek authorities delay in sending the individual home for more than 2 months, from the day of his arrest, the individual shall be dealt with as any other alien unlawfully in the United States under the deportation provisions of the Immigration and Nationality Act, as amended.

(e) *Commission of crime.* If the individual has committed any crime or offense in the United States, he shall not be placed at the disposal of the consul until after the proper tribunal having jurisdiction in his case shall have pronounced sentence, and such sentence shall have been executed.

[31 FR 12774, Sept. 30, 1966]

PART 253—PAROLE OF ALIEN CREWMEN

Sec.

253.1 Parole.

253.2 Termination of parole.

AUTHORITY: 8 U.S.C. 1103, 1182, 1282, 1283, 1285.

§ 253.1 Parole.

(a) *General.* When a crewman is paroled into the United States pursuant to the provisions of this part under the

provisions of section 212(d)(5) of the Act, he shall be given Form I-94, reflecting the terms of parole. A notice on Form I-259 shall be served upon the agent, and, if available, upon the owner and master or commanding officer of the vessel or aircraft, which shall specify the purpose of the parole and the conditions under which the alien crewman is paroled into the United States. The Form I-259 shall also specify the Service office to which the alien crewman is to be presented for inspection upon termination of the parole. The guarantee of payment for medical and other related expenses required by section 253 of the Act shall be executed by the owner, agent, consignee, commanding officer or master on Form I-510.

(b) *Afflicted crewman.* Any alien crewman afflicted with feeble-mindedness, insanity, epilepsy, tuberculosis in any form, leprosy, or any dangerous contagious disease, or an alien crewman suspected of being so afflicted shall upon arrival at the first port of call in the United States, be paroled to the medical institution designated by the district director in whose district the port is located, in the custody (other than during the period of time he is in such medical institution) of the agent of the vessel or aircraft on which such alien arrived in the United States and at the expense of the transportation line for a period initially not to exceed thirty days, for treatment and observation, under the provisions of section 212(d)(5) of the Act. Unless the Public Health Surgeon at the first port certifies that such parole be effected immediately for emergent reasons, the district director may defer execution of parole to a subsequent port of the United States to which the vessel or aircraft will proceed, if facilities not readily available at the first port are readily available at such subsequent port of call. Notice to remove an afflicted alien crewman shall be served by the examining immigration officer upon the master or agent of the vessel or aircraft on Form I-259 and shall specify the date when and the place to which such alien crewman shall be removed and the reasons therefor.

(c) *Disabled crewman.* Any alien crewman who becomes disabled in any port